



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

TO: Barry E. Hill, Director, Office of Environmental Justice ("OEJ")
Office of Enforcement and Compliance Assurance ("OECA")

FROM: Theodore J. Kim, Legal Counsel, OEJ/OECA /s/ *Ted Kim*

DATE: February 16, 2006

RE: "Environmental Justice in the News" for the Week Ending February 17, 2006

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This memorandum summarizes select environmental justice news actions for the period beginning January 20, 2006 through the week ending February 17, 2006. The summary is limited to Lexis/Nexis searches conducted using the query: "(environment! w/2 (justice or racism or equity or disproportionate or disparate)) or (environment! w/25 minorit! or low***income) or (executive order 12898) or (civil right! w/25 environmental) or ("fair housing act" w/25 (environment! or zon!))." Please note that multiple articles covering the same topic were not included. Similarly, articles on international or foreign-based environmental justice issues were not included, unless they specifically pertained to the United States.

1. **News Items.**

The following news was particularly noteworthy:

- **"Homeland Security Focus in EPA's Budget Faces Chilly Hill Reception," Inside Superfund (Feb. 13, 2006).** According to the article, President Bush's new budget proposal for the United States Environmental Protection Agency ("EPA"), which was announced on February 6, 2006, has received lackluster support on Capitol Hill, particularly due to its proposed 43 percent increase to EPA's homeland security initiatives. To compensate for this increase in homeland security, EPA's other core programs face deep cuts, which the article noted may expose the public to poor air and water quality. Overall, the proposed budget would reduce EPA funding in Fiscal Year 2007 to \$7.3 billion, which is \$310 million less than in Fiscal Year 2006. Funding for environmental justice programs is included among the proposed cuts. A proposed \$5.6 million in Fiscal Year 2006 funds would be cut in these

programs to \$3.9 million, which represents a 30 percent decrease. EPA's budget request will be discussed at a March 2, 2006 hearing before the House Appropriations Interior, Environment, and related agencies subcommittee. The Senate will meet on the request on April 27, 2006.

- **“Landfill Report Sounds Alarm: Site Could Be Liability for FEMA, It Says,” Times Picavaune (Feb. 10, 2006).** According to the article, the Federal Emergency Management Agency (“FEMA”) has commissioned a report that found that the federal government may “be exposed to high risk of future environmental liability” due to its heavy use of the Old Gentilly Landfill, which was recently reopened despite possible design and monitoring deficiencies. The article states that the report may validate fears of environmental groups who believe that the landfill may become a toxic and costly ecological disaster. The draft report cites such potential concerns as: (1) the clay cap that covers the landfill may not be thick enough to hold the loads that are placed on it; (2) the weight of the waste may force out noxious liquid from the old debris; and (3) a lack of groundwater monitoring wells. Accordingly, the report concludes that FEMA may be exposed to environmental liability if it continues to use the site. In response, FEMA has not indicated what action it plans to take with regard to the report, particularly due to the fact that it remains in draft and under review.
- **“Panel OKs Bill on Bonds for Those Seeking N-Stays,” Deseret Morning News (Salt Lake City, UT Feb. 9, 2006).** According to the article, a controversial bill in Utah, HB 335, that would require the posting of a bond to cover costs and damages “suffered by the order recipient” when a stay on an action before the State’s Radiation Control Board is requested, passed the House Public Utilities and Technology Committee on February 8, 2006. Opponents of the bill believe that it will have a “chilling effect” due to the potentially significant financial effect of requesting a stay, particularly for small organizations or individual citizens. According to the Healthy Alliance of Utah (“HEAL-Utah”), the requirement to post a bond in an appeal on a radiation matter would become “virtually impossible” under the bill. In addition, a member of the Environmental Justice Foundation, which supports the Goshute Indians who do not want nuclear waste on their reservation, stated that passage of the bill demonstrated that the present system was “hemorrhaging for black people and Indian people,” because no administrative procedures existed for them to seek justice. In addition, the member noted that the bill represented “a lack of respect for constitutional rights.”
- **“Appeal Fee Dropped for Neighbors,” Albuquerque Journal (N.M. Feb. 9, 2006) at 3.** According to the article, the Albuquerque-Bernalillo County Air Quality Control Board (“Board”) decided on February 9, 2006

to waive a \$1,000 hearing fee for South Valley residents appealing a proposed concrete plant that would be built near a community center. The Albuquerque Air Quality Division had issued a permit to Vulcan Materials in December, which allowed the plant to emit certain amounts of particulates and metals. Among others, the Mountain View Neighborhood Association appealed the permit on January 18, 2006; however, they were not aware of the hearing fee, which they called unduly burdensome, excessive, and a restriction to due process. The Board, upon finding that the appeal was timely filed, agreed with the residents' arguments, waived the fee, and returned the money to the residents.

- **“Study: Mercury Levels High in 1/5 of Women,” United Press International (Feb. 8, 2006).** According to the article, one study found that 20 percent of childbearing aged women have higher mercury levels than the government recommended amount. Over 6,500 people participated in the study, which the Sierra Club and Greenpeace carried out for the Environmental Quality Institute at the University of North Carolina-Asheville. Citing a direct relationship between higher mercury levels and consumption of fish, the study noted that “[m]ercury poisoning is a concern for women and children because of the neurological and other mental and physical damage it can cause.” According to the article, the Sierra Call referenced the study in calling for the government to require industry to stop polluting. The article noted that while mercury pollution emanates from many sources, coal burning power plants represents a major contributor as demonstrated by their release of 42 percent of industry pollutants.
- **“New Payout in “Erin Brockovich” Pollution Case,” Agence France Presse (Feb. 6, 2006).** According to the article, Pacific Gas and Electric Company (“PG&E”) has agreed to pay an additional \$295 million to California residents who sued PG&E in a pollution case that was featured in the 2000 movie, “Erin Brockovich.” In announcing the settlement, which supplements a \$333 million deal reached in 1996, PG&E expressed its hope that the settlement will close “substantially all” of the claims against it. As documented in the movie, the case involved PG&E’s release of chromium into groundwater in the California desert north of Los Angeles, which led to lawsuits against the company that Erin Brockovich, a single mother, helped spearhead against the company.
- **“Minority Health Sessions Are Scheduled,” Times-News (Burlington, N.C. Feb. 7, 2006).** According to the article, the School of Public Health at the University of North Carolina at Chapel Hill will hold its 27th annual Minority Health Conference on February 24, 2006. The conference is intended to “positively impact public health in communities of color,” and will include a session on “Minority Participation in Research Trials.”

- **“U.S. Report Indicates Quality of Healthcare Lacking Among Hispanics,” Law and Health Weekly (Feb. 4, 2006) at 306.** According to the article, the United States Health and Human Services Agency for Health Care Research and Quality issued two reports that indicate that disparities in both quality of and access to health care exist for Hispanics in the United States. The findings were reported in the “2005 National Healthcare Quality Report” (“Quality Report”) and its companion document, the “2005 National Healthcare Disparities Report” (“Disparities Report”). Both reports, which are issued annually, measure quality and disparities in four healthcare areas: effectiveness; patient safety; timeliness; and patient centeredness. With regard to disparities, the Disparities Report found that “many of the largest disparities in measures of quality and access are observed for low-income people regardless of race or ethnicity, with some signs of improvement. Overall, more racial disparities in quality of care were narrowing than were widening, and more racial disparities in access to care were narrowing (affecting blacks, Asians, and American Indians/Alaska Natives). But for Hispanics, the majority of disparities for both quality and access were growing wider.” The article concluded by noting the goals of the reports, which were to reduce disparities and improve quality.
- **“Community Demands Better Air Quality from Steel Foundry,” Contra Costa Times (CA Feb. 3, 2006) at F4.** According to the article, West Berkley, California community members met with officials of the Bay Area Air Quality Management District (“District”) on January 31, 2006 to demand more public participation and to protest the lack of input in the District’s settlement with Pacific Steel Casting. The community members asserted that the settlement failed to adequately reduce the amount of toxics used at the plant; specifically, the community members believe that the District and company reached a “back-door agreement to increase toxic emissions.” The article noted that the community’s Mayor attended the meeting in support of his constituents. The Mayor pledged to find solutions to the air pollutants problems that had plagued the community.
- **“Environmental Justice Small Grants Program,” Federal Grant Opportunities (Feb. 2, 2006).** On February 2, 2006, EPA announced that it was soliciting applications from eligible affected local community-based organizations to provide financial assistance through its Environmental Justice Small Grants Program (“Program”), which is a multimedia program that helps communities understand and address their exposure to multiple environmental harms and risks. Ten \$50,000 grants are expected to be awarded through the Program. The applications are due to EPA’s Office of Environmental Justice by March 31, 2006.

- **“Environmental Justice Collaborative Problem-Solving Cooperative Agreement Program,” Federal Grant Opportunities (Feb. 2, 2006).** On February 2, 2006, EPA announced that it was soliciting applications from eligible affected local community-based organizations to provide financial assistance through its Environmental Justice Collaborative Problem-Solving Cooperative Agreement Program (“Program”). Ten \$100,000 grants are expected to be awarded through the Program. The applications are due to EPA’s Office of Environmental Justice by March 31, 2006.
- **“Conservation Group Revises Its Strategy,” Rochester Democrat and Chronicle (N.Y. Jan. 30, 2006) at 1B.** According to the article, the League of Conservation Voters (“League”) announced its intentions to become more involved in the western New York political races that will take place in November. Specifically, the League articulated that it will no longer support candidates, simply because “they [are] somewhat good on the environment.” Instead, the League will only endorse a candidate if the candidate will support the League on a list of very specific environmental issues. For instance, the article noted that one of the League’s legislative priorities for this year included the “[p]assage of an amended Article X, which governs the regulation of power plants. The league wants fine particle pollution and environmental justice – the idea that pollution often harms poor people more than wealthy people – to be considered by the state before granting a permit for any project larger than 30 megawatts.”
- **“New Lawsuit Aims to Block Seneca Casino,” Buffalo News (N.Y. Jan. 31, 2006) at B3.** According to the article, Citizens for a Better Buffalo planned to file a lawsuit in State Supreme Court to halt the planned Seneca Buffalo Creek Casino. The lawsuit was to allege that Governor George Pataki, as well as past and present Buffalo officials, failed to comply with state and local laws that govern the approval process for gambling activities on Indian lands in approving the casino. More specifically, the lawsuit was to allege that the State Department of Environmental Conservation’s policy on environmental justice, which “recognizes that projects viewed as undesirable are often placed in or near poor minority neighborhoods,” was ignored. According to the attorney filing the lawsuit, the census tract for the area around the proposed casino revealed that 95 percent of the residents were minority, while 66 percent live below the poverty line, with a per-capita annual income of just over \$10,000.
- **“Foes of State Pollution Pact with 2 Railroads Urge Panel to Redo It; Air Resources Board Will Revisit the Deal that Activists and Residents Near Rail Yards Term a Sellout. Officials Call Criticism Unwarranted,” Los Angeles Times (Jan. 27, 2006) at B3.** According to

the article, California residents and regulators have criticized an agreement that was reached in June 2005 between the California Air Resources Board (“Board”) and the Nation’s two largest railroads, Union Pacific Railroad and BNSF Railway, aimed at cleaning up rail yards statewide. The memorandum of understanding (“MOU”) was signed after a 2004 study of the air pollution health effects at a rail yard in Placer County, California revealed that diesel-burning locomotives presented a dramatically high cancer risk. However, some residents and regulators, which include “activists in communities flanking the massive rail yards that spread through some of the poorest areas of the Los Angeles Basin,” asserted that the terms of the MOU, which required, among other things, the end of all “nonessential” idling and the undertaking of health-risk studies for major railroads, have not been met. For instance, residents in a nearby, largely Latino neighborhood claimed that diesel fumes from idling locomotives pose respiratory problems, such as children’s asthma and cancer. In addition, the activists’ criticism highlighted a release clause in the MOU that provides that if “a local air district tries to impose regulations stricter than those in the pact, the railroads no longer have to comply with parts of the pact in that district.” In response, spokesmen for the two railroads contended that the MOU represented the most effective way to reduce air pollution from rail lines and yards in the State. In addition, they asserted that the “release clause” does not undermine local control and prevents “a patchwork of local regulations.”

- **“GAO Finds EPA’s Lead and Copper Rule Inadequate, May Undermine Public Health Protection,” U.S. Fed. News (Jan. 26, 2006).** The article set forth a press release from the ranking member of the Senate Environment and Public Works Committee on a report that the United States Government Accountability Office (“GAO”) issued on January 26, 2006 that concluded that EPA’s lead and copper rule may pose a risk to public health due to its inadequacy. Senator James Jeffords (I-VT), Representative John Dingell (D-MI), and Representative Hilda L. Solis (D-CA) requested the report in 2004 to evaluate the effectiveness of federal regulations for lead and copper, in light of the discovery of extremely high levels of lead in the drinking water of Washington D.C. The GAO report found that “EPA claims of widespread, national compliance with the rule are not supported by data and identifies . . . significant and longstanding gaps in the amount of information available . . . that impairs the Agency’s ability to oversee implementation of the lead rule.” In its finding, GAO asserted that “ensuring that the lead rule adequately protects public health and is fully implemented and enforced should be a high priority for EPA and the states because the potential consequences of lead exposure, particularly for infants and young children, can be significant.” The report recommended, among other things, that “homes and other sites of highest risk for lead be used for sampling.” The article concluded by noting the reaction of Senator

Jeffords and Representative Solis. Senator Jeffords articulated that the GAO report confirmed the existence of “large holes in federal safe drinking water regulations.” Similarly, Representative Solis criticized the regulations as “unacceptable” for failing to “account for the water quality of more than 33 million Californians – including our children.”

- **“North American Report on Children’s Health, Environment Indicators Released,” Hindustan Times (Jan. 26, 2006).** The article set forth a press release that the World Health Organization (“WHO”) issued that discussed a report that the Commission for Environmental Cooperation (“CEC”) released on January 26, 2006. The CEC’s report, which was created in partnership with public health organizations and the governments of Canada, Mexico, and the United States, represented the first-ever report on children’s health and environment indicators in North America. The report presented thirteen indicators under three thematic areas: (1) asthma and respiratory diseases; (2) effects of exposure to lead and other toxic substances; and (3) waterborne diseases. Among the report’s findings include: (1) environmental exposures continue to pose risks to North American children; (2) data gaps exist, which necessitates the need to improve children’s health reporting; (3) an increase in the number of childhood asthma cases across North America, which the report suggested may be attributable to outdoor air pollution from ozone and particulate matter; and (4) some improvements in children’s blood lead levels due to such actions as the removal of lead from gasoline. The report focused on children, because environmental contaminants can affect them differently from adults. For instance, such contaminants may affect children disproportionately, because their immune systems “are not fully developed and their organs are more easily harmed.”
- **“State To Take Look at Rules on Mercury Pollution; Environmental Officials Are Open to Moving More Quickly and Directly To Reduce Contamination of Lakes and Rivers,” Star Tribune (Minneapolis, MN Jan. 25, 2006) at 1B.** According to the article, the Minnesota Pollution Control Agency (“MPCA”) was considering expediting the process for reducing mercury emissions. To aid its decision, MPCA planned to convene a roundtable discussion that would include a wide variety of individuals and groups to discuss mandatory controls and deadlines for controlling mercury, which is a potent toxin that has been linked to, among other things, learning disabilities. On January 24, 2006, a citizens’ board meeting occurred at MPCA in which speakers “emphasized mercury’s effects on public health, particularly among low-income and minority families that eat lots of fish.” The overwhelming sentiment of the meeting was to address mercury immediately as it represented “the biggest honking air pollutant . . . in terms of impacts to public health.”

- **“Capturing Flats’ Bad Air In a Bucket; Amateur Free-Lance Patrols Aim to Clean Up Cuyahoga Valley,” Plain Dealer (Cleveland Jan. 23, 2006) at B1.** The article discussed Ohio Citizen Action’s (“OCA”), Ohio’s largest environmental group, program to test the air in Cuyahoga Valley, which is located in the heart of Cleveland’s industrial area, in response to complaints of awful odors. OCA attributed the smell to toxic chemicals, which OCA speculated may lead to cancer and reproductive damage. OCA embarked upon performing its own air monitoring in response to a perceived lack of action by the Cleveland Division of Air Quality.
- **“Water Official Opposes Hearing Delay; Ex Rialto Facility Operator Is Accused of Polluting Area Wells,” Press Enterprise (Riverside, CA Jan. 19, 2006) at B01.** According to the article, the Chairwoman of the Santa Ana Regional Water Quality Control Board, Carole Beswick, announced on January 18, 2006 that she would not delay a July hearing for Emhart Industries Inc. (“Emhart”), who was accused of causing perchlorate contamination that has closed 20 drinking-water wells in San Bernardino Valley. An underground plume of perchlorate, which may impair the thyroid, was present for several miles from the industrial site where Emhart operated. Emhart had sought to delay the hearing until October, so that it could conduct soil testing and install at least three groundwater wells. However, the affected cities, Rialto and Colton, the water agencies that serve them, and the Center for Community Action and Environmental Justice urged that the meeting take place as scheduled, as they were unpersuaded by a recent investigation plan from Emhart, which they believed was not aggressive enough.
- **“Families Sue Ford Over Waste Dumping; Blame Ringwood Contamination for Years of Illness,” Record (Bergin County, N.J. Jan. 19, 2006).** According to the article, more than 700 former and current Upper Ringwood, New Jersey residents filed a 13-count lawsuit against Ford Motor Company (“Ford”) on January 18, 2006 in state Superior Court alleging personal injury and property damage attributable to Ford’s former factory. The residents claim that “toxic castoffs from Ford’s former Mahwah factory caused a multitude of illnesses in the community and even now have essentially left their neighborhood a Superfund site.” The residents of this low-income minority community, including members of the Ramapough Mountain Indian Tribe, seek medical monitoring and unspecified financial compensation. The article asserted that they blame Ford for numerous illnesses, including pervasive asthma, unexplained skin rashes, and many cancers. It is expected that Ford will not deny that one of its contractors dumped industrial waste, in the form of millions of gallons of paint sludge, at the site; however, Ford will likely attempt to shift blame onto other companies it deems liable.

- **“Providence, R.I. Community Gardening Group Shares in EPA Grant,” States News Service (Jan. 19, 2006).** The article set forth an EPA press release that announced that the Southside Community Land Trust of Providence received an EPA Environmental Justice Small Grant of \$25,000 “to help the Springfield Middle School create a healthy garden on the site of a former municipal solid waste dump. Project partners will plan and build safe, affordable off-ground garden structures, and share the designs so others can use them.” The Southside Community Land Trust, which was founded in 1981, helps communities become more self-reliant, improves the quality of life through community gardening, and provides community access to locally grown food.
- **“New Haven, Conn., Sustainability Group Shares in EPA Grant,” States News Service (Jan. 19, 2006).** The article set forth an EPA press release that announced that the New Haven Ecology Project received an EPA Environmental Justice Small Grant of \$25,000 that aims to increase local awareness of the environment in distressed neighborhoods. Specifically, the project will, “(1) educate high school students about local environmental justice issues; (2) generate and share data on air quality, water quality, and environmental health engagement levels of the community; and (3) create a model of community-based participatory research on local environmental justice concerns.” The New Haven Ecology Project, which educators founded in 1990, is located within the distressed West Rock neighborhood.
- **“Strafford, VT., Community Group Shares in EPA Grant,” States News Service (Jan. 19, 2006).** The article set forth an EPA press release that announced that the Strafford Historical Society received an EPA Environmental Justice Small Grant of \$25,000 to create a one-hour documentary and two 20-minute documentaries that will detail the history of the three copper mines in Orange County, Vermont; address the environmental concerns at the three mines, and discuss the combined work of citizens and EPA to clean the mines. The Strafford Historical Society, which began in 1955, is an all-volunteer organization that has been an active member of the Elizabeth Mine Superfund Site Community Advisory Group, which communicates with EPA about this particular copper mine site. Its goal is to “preserve the sites, records, relics, and related materials pertaining to the history of the town and to apply the lessons of history to better the town today.”
- **“Lawrence, Mass., Preservation Group Shares in EPA Grant,” States News Service (Jan. 19, 2006).** The article set forth an EPA press release that announced that the Lawrence Environmental Action Group received an EPA Environmental Justice Small Grant of \$25,000 to research the effect that the “spiritual and cultural use of mercury have on the health and well being of the community.” The Lawrence Environmental Action

Group was founded in 1994 and strives to fight pollution, preserve and enhance green space, and improve ecological and public health. This grant along with the grants to the Southside Community Land Trust of Providence, the New Haven Ecology Project, and the Strafford Historical Society that were discussed in the prior three bullets, were part of four grants totaling \$100,000 under the EPA's Environmental Justice Small Grants program that was launched in 1994.

- **“Los Angeles City Council Gives Final Approval to Settlement of LAX Master Plan Lawsuits,” Market Wire (Jan. 18, 2006).** According to the article, the Los Angeles City Council (“Council”) gave final approval on January 18, 2006 to a historic settlement of lawsuits filed against the Los Angeles International Airport (“LAX”) Master Plan. The Council’s approval will allow improvements to modernize LAX to begin. In addition, “[t]he settlement removes potential litigation obstacles and allows Los Angeles World Airports (“LAWA”) to begin construction on the LAX South Airfield Improvement Project and to develop new plans for LAX consistent with the Mayor’s vision for the regional redistribution of aviation demand.” Among the important provisions include a commitment from LAWA to spend \$60 million on various air quality and environmental justice programs.
- **“Groups Mark King’s Birthday in Many Ways,” Journal News (Westerchester County, N.Y. Jan. 16, 2006) at 6A.** The article discussed various celebrations that occurred on January 15, 2006 to honor Reverend Martin Luther King Jr.’s birthday. Of particular interest was the celebration in Garrison, New York, in which Desmond-Fish Library held a forum on environmental justice. The discussion focused on the potential role of Dr. King had he been alive following the aftermath of Hurricane Katrina’s destruction of New Orleans. One speaker from We Act, a Harlem-based environmental nonprofit group, surmised that “[Reverend] King would be at the forefront of discussions about . . . the reconstruction of New Orleans.” The speaker continued by noting that the “rebuilding of New Orleans is . . . going in a direction where I’m not sure we want to.” Another speaker discussed the “negative repercussions of limiting development, such as high housing costs that exclude middle-class and low-income people.”
- **“Grant to Fund Alton Park Environment Study,” Chattanooga Times Free Press (Jan. 14, 2006) at B1.** According to the article, the University of Tennessee, Alton Park Development Corporation, and Southside Community Health Center were awarded a four-year, \$900,000 grant for environmental research in the Alton Park community. In announcing the grant, the Executive Director of the Alton Park Development Corporation asserted that the grant will inform people of what toxins are in the Chattanooga Creek. However, some neighborhood leaders expressed

doubts about the use of the money, as they believe that the majority will be spent at the University rather than researching whether the “pollutants in the community caused the deaths of former Alton Park residents.” The neighborhood leaders felt that concentrating research in the community was especially important because they “live in a highly polluted neighborhood, and many people in community have the same diagnosis [and] take same medicines.” The article concluded by noting that the research money will be used to provide stipends for Howard School of Academics and Technology students who participate in the grant’s environmental justice program.

- **“Group Airs Its Pollution Fears,” Tampa Tribune (Jan. 13, 2006) at 3.** According to the article, residents in Tampa that live near the new Tatum Manufacturing Plant (“Plant”), which was “built in the midst of mostly black neighborhoods,” believe that the Plant represents another case of environmental injustice. According to United States Census Bureau figures, the area around the Plant, which manufactures approximately 2,500 spas month, is 85 percent black. Accordingly, one resident stated at a meeting with Hillsborough County Commissioners (“Commissioners”) on January 12, 2006, that “[b]lack communities and other communities of color are bypassed, ignored,” in industrial zoning decisions. The residents asked the Commissioners to close the plant. The Commissioners stated that they could not close the plant and promised to keep track of plant emissions closely and fine the Plant if violations of the air standards occurred.
- **“Essays About Hurricane Katrina by Wynton Marsalis, Others Appear in New Book; University of California, Santa Cruz Sociologist Edits Volume; All Proceeds Fund Hurricane Recovery Efforts,” Ascribe Newswire (Jan. 13, 2006).** The article described a new collection of essays that criticized the “weak federal emergency response to Hurricane Katrina[, which] fits a pattern of reduced federal government responsibility for public well-being.” According to the editor, the collection, entitled “Hurricane Katrina: Response and Responsibilities,” “fills the gap between the immediate journalism and the in-depth analysis that will be available in a year or two.” Throughout the collection, the authors analyzed the government’s role and decried the “extent to which race and class shape daily life in the United States.” For instance, Rabbi Michael Lerner asserted that the poor are the first to suffer and urged decisive action in rebuilding New Orleans. In addition, Bettina Aptheker articulated that “[i]n the flood waters of Hurricane Katrina everything about the social, economic, and racial injustice of American society floated to the surface.” Another contributor, Stan Oden, wrote that the government response “exposed the social, political, and economic underbelly of decades of race and class oppression and governmental indifference to it in the United States.” Finally, in a piece on

environmental racism and “‘cancer alley,’” which is an 80-stretch of land from New Orleans to Baton Rouge in which residents live next to highly polluting industries, the authors noted that “‘Katrina exposed the deadly intersection of race, poverty, immigration status and toxic waste, but dangerous environmental conditions already existed.’” The article concluded by stating the contributors’ view that the Gulf Coast reconstruction presents the “opportunity to provide jobs and undo decades of government neglect by working on multiple fronts to revitalize wetlands, reconstruct levees, and build schools, housing, hospitals, child-care and cultural centers, parks, and libraries.”

2. **Recent Litigation.**

- **Weaver’s Cove Energy, L.L.C., Nos. CP04-36-001, CP04-41-001, CP04-42-001, CP04-43-001, 114 F.E.R.C. P61,058 (Jan. 23, 2006).** In granting Weaver’s Cove Energy, L.L.C. (“Weaver’s Cove”) request for rehearing, the Federal Energy Regulatory Commission (“Commission”) found that Weaver Code raised a valid request to rehear a rate issue stemming from an Order (“Order”) that the Commission issued on July 15, 2005. The Order, which the Commission believed would help increase the availability of natural gas supplies in the New England area, authorized Weaver’s Cove to site, construct, and operate a liquefied natural gas (“LNG”) terminal in Fall River, Massachusetts, subject to numerous environmental conditions. Although the Commission issued a final environmental impact statement (“FEIS”) on May 20, 2005, numerous environmental and safety issues remained, and the Order specified that Weaver’s Cove had to satisfy them to initiate construction. The Commission’s lengthy decision covered various issues, including a discussion on comments by EPA that asserted that the “FEIS did not sufficiently assess the potential for disproportionate impacts from the project on low income or minority community [and suggested that] the Commission should conduct additional analysis.” EPA was particularly concerned with potential impacts to air quality during construction. In addition to EPA’s comments, the City of Fall River (“City”) also alleged that that community failed to adequately assess environmental justice issues. In its discussion, the Commission disagreed with the assertions of EPA and the City in holding that the “FEIS fully and appropriately adresse[d] the environmental justice implications pertinent” to the project. In support, the Commission articulated that it was not bound to follow the mandate of Executive Order 12898, since it was not one of the agencies specified in Section 1-102, “Creation of an Interagency Working Group on Environmental Justice,” of the Order. However, the Commission asserted that, as part of the FEIS and in accordance with its usual practice, it examined the project to ensure that the project did not disproportionately high and adversely affect the human health and environment of minority and/or low-income communities. The

Commission noted that the FEIS used “available data from various government sources regarding income and ethnicity of the local communities, including environmental justice maps” from EPA, to identify potential environmental justice areas in the project’s vicinity. The FEIS concluded that “although some of the neighborhoods near the LNG terminal have lower than average income levels, the potential impacts would affect all the communities surrounding the terminal, and not have a disproportionate impact on environmental justice areas.”

3. **Regulatory/Legislative/Policy.**

The following items were most noteworthy:

A. **Federal Congressional Bills and Matters.**

- No noteworthy congressional bills or matters were identified for this time period.
- ***Miscellaneous House and Senate Congressional Record Mentions of Environmental Justice include:***
 - **152 CONG. REC. H201 (daily ed. Feb. 8, 1006) (statement of Rep. Solis).** Representative Hilda Solis (D-CA District 32) criticized President Bush’s proposed budget for EPA and articulated her belief that the “budget shortchanges many environmental programs designed to protect public health and improve our communities’ quality of life.” Representative Solis specifically noted that funding for environmental justice programs was cut by 28 percent and stated that this action represents “one of several actions taken recently [by the Bush Administration, which ‘is allegedly committed to protecting low-income and minority communities’] which puts [the Administration’s commitment] in doubt.” In support, Representative Solis cited the Bush Administration’s perceived proposal to remove race and income as considerations of environmental justice, which she believed would “significantly disadvantage those communities, which are already disproportionately affected by environmental toxins and the least able to defend and empower themselves.” In addition, Representative Solis discussed the proposal to change reporting requirements for the Toxics Release Inventory (“TRI”), which she believed would “benefit polluting industries at the expense of the health of this Nation’s communities.”
- **Federal Register Notices.**
 - **HHS, National Center for Environmental Health/Agency for Toxic Substances and Disease Registry, 71 Fed. Reg. 6501 (Feb.**

8, 2006). The Department of Health and Human Services (“HHS”) announced that a teleconference would be held between the Community and Tribal Subcommittee of the Board of Scientific Counselors, Centers for Disease Control and Prevention (“CDC”), National Center for Environmental Health/Agency for Toxic Substances and Disease Registry on February 27, 2006. Included among the agenda items is a “review and comment period on recently completed agency-funded programs related to health disparities and environmental justice communities. The public comment period will be from 2 to 2:15 p.m.” The call, which will emanate from Atlanta, Georgia, is scheduled from 1:00 p.m. to 2:30 p.m.

— **HHS, Agency Forms Undergoing Paperwork Reduction Act Review, 71 Fed. Reg. 6500 (Feb. 8, 2006).** The notice announced the CDC’s intention to conduct a process evaluation of the Protocol for Assessing Community Excellence in Environmental Health (“PACE EH”). The PACE EH document consisted of 13 tasks to engage the community in environmental health planning and assessment activities. PACE EH’s goal was to strengthen public health leadership, promote community collaboration, and encourage environmental justice. Comments on PACE EH are due within 30 days of the publication of the notice.

— **Lindane and Other Hexachlorocyclohexane (“HCH”) Isomers Risk Assessment; Notice of Availability and Solicitation of Risk Reduction Options, 71 Fed. Reg. 6479 (Feb. 8, 2006).** EPA announced the availability of its risk assessment for the organochlorine pesticide lindane, gamma hexachlorocyclohexane (“HCH”) and the other HCH isomers. In soliciting public comment on these documents by April 10, 2006, EPA requested that the public suggest risk reduction options for lindane and the other HCH isomers. This action follows up on issues discussed in the July 2002 Reregistration Eligibility Decision (“RED”) for lindane, in public comments EPA received on that decision document, and in the draft North American Regional Action Plan on lindane and the other HCH isomers. To help address potential environmental justice issues, EPA seeks, among other things, “information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical, unusually high exposure to lindane and the other HCH isomers, compared to the general population.”

— **DOD, Notice of Intent to Prepare an Environmental Impact Statement (“EIS”) in Support of New Facilities for the U.S. Army Medical Research Institute of Infectious Diseases (“USAMRIID”), Fort Detrick, MD, 71 Fed. Reg. 6456 (Feb. 8, 2006).** The United States Army (“Army”) announced its intention to prepare an Environmental Impact Statement (“EIS”) to evaluate

the construction and operation of new USAMRIID facilities and the decommissioning and demolition or reuse of existing USAMRIID facilities at Fort Detrick. The proposed new facilities will provide biocontainment laboratory space, animal facilities, and administrative offices. A public scoping meeting to describe the EIS will be held on February 22, 2006. Included in the environmental analyses of the proposed action and alternatives will be the evaluation of environmental justice with respect to unknown or potentially significant impacts. The Army is interested in full participation in the decision-making process and particularly urges participation from minority, low-income, disadvantaged, and Native American groups during the environmental analysis process.

- **EPA, Site-Specific Variance from the Land Disposal Restrictions Treatment Standard for 1, 3-Phenylenediamine (“1,3-PDA”), 71 *Fed. Reg.* 6209 (Feb. 7, 2006).** In this direct final rule, EPA took direct final action to revise the waste treatment standard for 1,3-phenylenediamine (“1,3-PDA”) for a biosludge that the DuPont Chambers Works facility in Deepwater, New Jersey generated. EPA’s action was necessary because the facility was not able to measure compliance with the 1,3-PDA land disposal restrictions treatment standards in its multisource leachate treatment biosludge matrix. Accordingly, as a practical matter, the facility is unable to fully document compliance with the treatment standards. This site-specific variance provides alternative treatment standards for 1,3-PDA in multisource leachate and ensures that treatment reflecting Best Demonstrated Available Technology occurs. With regard to the rule’s compliance with Executive Order 12898, EPA noted that the “variance applies to waste that is treated in an existing, permitted RCRA Subtitle C facility, ensuring protection to human health and the environment. Therefore, [the rule] will not result in any disproportionately negative impacts on minority or low-income communities relative to affluent or non-minority communities.”

- **DOT, Office of Commercial Space Transportation; Notice of Availability and Request for Comment on a Draft Environmental Assessment (“EA”) for the Oklahoma Spaceport, 71 *Fed. Reg.* 5901 (Feb. 3, 2006).** The United States Department of Transportation’s (“DOT”) Federal Aviation Administration (“FAA”) announced the availability of a Draft Environmental Assessment (“EA”) for the Oklahoma Spaceport. The Draft EA will help the FAA decide whether to issue a launch site operator license to the Oklahoma Space Industry Development Authority. The Draft EA will evaluate potential impacts to the environment from launches and landings of three types of suborbital horizontally launched reusable launch vehicles and will

look at such impacts to environmental justice, among other things. Comments on the Draft EA are due by March 13, 2006. In addition, a public hearing will be held on March 9, 2006.

- **HHS, National Emerging Infectious Diseases Laboratories Record of Decision, 71 Fed. Reg. 5670 (Feb. 2, 2006).** HHS, along with the National Institutes of Health (“NIH”), promulgated this notice that announced their decision to implement the Proposed Action, which is identified as the Preferred Alternative in the Final EIS. Specifically, NIH plans to partially fund the construction of a National Biocontainment Laboratory on the Boston University Medical Center Campus in Boston, Massachusetts. Included among the factors considered in deciding to construct the facility were environmental justice considerations. Specifically, it was acknowledged that “[d]uring the construction phase of the project, neighborhoods immediately abutting the Project site, including environmental justice communities . . . , may experience temporary impacts from construction because of their location and proximity.” However, it was determined that no disproportionate effect on environmental justice communities would occur. Specifically, “[t]he worst case scenario analysis shows that during operations of the laboratory there will be negligible risk to public health for the entire community. Therefore, there will be no disproportionate impact on environmental justice communities during operations.”

- **EPA, Inorganic Chlorates Risk Assessments, Notice of Availability, and Request for Risk Reduction Options, 71 Fed. Reg. 5318 (Feb. 1, 2006).** EPA announced the availability of its risk assessments and related documents for the inorganic chlorates. In soliciting public comment on these documents by April 3, 2006, EPA requested that the public suggest risk management ideas or proposals to address the identified risks. EPA is developing a RED for inorganic chlorates through a modified four-phase public participation process to ensure that all pesticides meet current health and safety standards. To help address potential environmental justice issues, EPA seeks, among other things, “information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical, unusually high exposure to inorganic chlorates, compared to the general population.”

- **EPA, Environmental Impact Statements and Regulations; Availability of EPA Comments, 71 Fed. Reg. 4577 (Jan. 27, 2005).** EPA announced the availability of its comments pursuant to the Environmental Review Process (“ERP”), as required by Section 309 of the Clean Air Act (“CAA”) and Section 102(2)(c) of the National Environmental Policy Act (“NEPA”). With regard to the final Environmental Impact Statements, EPA noted that for

- the Creeks Forest Health Recovery Project To Develop a Network of Defensible Fuel Profile Zones (“DFPZs”), its previous concerns with regard to the potential impacts to water and air quality, environmental justice, and tribal consultation had been adequately addressed. Therefore, EPA did not object to the proposed action.
- **EPA, Coppers Risk Assessments, Notice of Availability, and Risk Reduction Options, 71 Fed. Reg. 4133 (Jan. 25, 2006).** EPA announced the availability of its risk assessments and related documents for copper-containing pesticides (“coppers”). In soliciting public comment on these documents by March 27, 2006, EPA requested that the public suggest risk management ideas or proposals to address the identified risks. EPA is developing a RED for coppers through a modified four-phase public participation process to ensure that all pesticides meet current health and safety standards. To help address potential environmental justice issues, EPA seeks, among other things, “information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical, unusually high exposure to coppers, compared to the general population.”
 - **DOT, Draft Environmental Impact Statement (“DEIS”): Kenosha-Racine-Milwaukee Commuter Rail Extension, 71 Fed. Reg. 3603 (Jan. 23, 2006).** The Federal Transit Administration (“FTA”) of the United States Department of Transportation (“DOT”), in cooperation with the Southeastern Wisconsin Planning Commission (“SEWRPC”) promulgated the notice to announce that a Draft Environmental Impact Statement (“DEIS”) will be prepared for the proposed initiation of commuter rail or bus services between Kenosha, Racine, and Milwaukee, Wisconsin. The proposed commuter rail addresses high public interest and is intended to improve commuter transportation service. The notice announced that three public scoping meetings will be held February 21, 22, and 23, 2006 at different locations and one interagency scoping meeting will be held on February 23, 2006, in which FTA and SEWRPC invited interested individuals and organizations, as well as federal, state, and local agencies to participate in refining alternatives to be evaluated and identifying any significant social, economic and environmental issues and impacts, such as environmental justice, related to the alternatives.
 - **DOJ, Supplement to Justice Department Procedures and Council on Environmental Quality Regulations to Ensure Compliance with the National Environmental Policy Act, 71 Fed. Reg. 3248 (Jan. 20, 2006).** The United States Marshals Service (“USMS”) of the United States Department of Justice (“DOJ”) promulgated this notice of proposed rulemaking, which would add Appendix E to Part 61 of DOJ’s regulations to ensure better compliance with the National Environmental Policy Act of

1969. The rule, which supplements existing DOJ procedures and regulations of the Council on Environmental Quality, only pertains to internal procedures of the USMS. Specifically, in complying with and implementing NEPA, the USMS shall produce clear and concise NEPA documents, such as Environmental Assessments and Environmental Impacts Statements. Included among the changes are amendments to the Public Involvement provisions; specifically, “responsible personnel will consult with [among others] members of identifiable population segments within the potentially affected environment such as . . . minority and disadvantaged communities” during the NEPA process.

- **EPA, National Ambient Air Quality Standards for Particulate Matter, 71 Fed. Reg. 2620 (Jan. 17, 2006).** EPA proposed this rule to revise the primary and secondary national ambient air quality standards (“NAAQS”) for particulate matter (“PM”) to provide the requisite protection of public health and welfare and “to make corresponding revisions in monitoring reference methods and data handling conventions for PM.” In accordance with Executive Order 12898, EPA considered whether these proposed rules, “if promulgated, may have disproportionate negative impacts on minority or low income populations. The Agency expects these proposals would lead to the establishment of uniform NAAQS for PM.”
- **EPA, Environmental Impact Statements and Regulations; Availability of EPA Comments, 71 Fed. Reg. 2227 (Jan. 13, 2006).** EPA announced the availability of its comments pursuant to the ERP, as required by Section 309 of the CAA and Section 102(2)(c) of NEPA. With regard to the draft Environmental Impact Statements, EPA raised environmental concerns with the “Cove Point Expansion Project, Construction and Operation of a Liquefied Natural Gas Import Terminal Expansion and Natural Gas Pipeline Facilities,” and requested that the Final Environmental Impact Statement include mitigation plans for both air quality and wetland impacts, as well as address environmental justice issues related to the project.

B. State Congressional Bills and Matters.

- **California, Assembly Bill 1020, introduced on February 22, 2005 by Assemblywoman Loni Hancock (D-District 14). Status: Passed Assembly and Sent to Senate on January 26, 2006. Referred to Committee on Transportation and Housing.** This Bill establishes a review process involving the Department of Transportation and selected metropolitan and regional transportation planning agencies for evaluating transportation planning computer models and requiring selected transportation planning agencies to incorporate measures pertaining to

land use transit service levels into these models. This Bill would, therefore, improve regional travel models. In addition, the improved travel models will include, among other things, measures to evaluate environmental justice and economic welfare.

- **California, Assembly Bill 1244, introduced on February 22, 2005 by Assemblywoman Lois Wolk (D-District 8). Status: Passed Assembly and Sent to Senate on January 23, 2006. Referred to Committee on Natural Resources and Water and Committee on Judiciary on February 2, 2006.** This Bill imposes a 2010 sunset on the existence of the California Bay-Delta Authority (“CBDA”), consistent with a federal statute enacted in 2004. Specifically, this Bill: (1) extends the January 1, 2006 sunset clause for the CBDA to January 1, 2010 and changes the Agency name from “California” to the “CALFED Bay-Delta Authority;” (2) changes federal agency representatives to non-voting members of the CBDA board, while allowing federal agency representatives to count toward the board’s quorum requirement. Moreover, the Bill denies federal agency authority to modify, halt, or otherwise restrict the discretion of any state agency in implementing CBDA programs and projects; (3) limits disclosure requirements for certain internal budget documents and discussions of the Independent Science Board; and (4) makes other minor adjustments to CBDA legal authorities. In addition, the Bill requires that environmental justice concerns are addressed and that impacts of projects and activities on tribal trust resources are assessed. Comprehensive environmental justice and tribal workplans should be developed, as well as strategies to incorporate environmental justice and tribal interests.
- **California, Assembly Bill 1430, introduced on February 22, 2005 by Assemblywoman Jackie Goldberg (D-District 45). Status: Passed Assembly and Sent to Senate on January 26, 2006. Referred to Committee on Environmental Quality.** This Bill prohibits the “trading” of mobile source emission credits for stationary source credits within an air district and between air districts, until all stationary sources have installed best available retrofit technology, best achievable control technology, or lowest achievable emissions reduction, as appropriate in that district or in each air district. The Bill would require the Advisory Committee on Environmental Justice to review each updated methodology. Air pollution reduction goals could only be achieved by reducing both stationary emissions through process changes and the application of air pollution control technology and mobile source emissions through the production of cleaner burning engines and zero emission vehicles.
- **Hawaii, Senate Bill 2145, introduced on January 23, 2006 by Senator Colleen Hanabusa (D-District 21). Status: Passed Energy, Environment, and International Affairs Committee on February 10,**

2006. Passed Judiciary and Hawaiian Affairs Committee on February 10, 2006. The Bill appropriated \$146,000 out of the general revenues of the State for the environmental council to hire a program director to facilitate and coordinate the State's environmental justice activities, which will include: (1) defining environmental justice through education community outreach activities; (2) developing and promulgating a guidance document that addresses environmental justice in all phases of the environmental impact statement ("EIS") process; recommending to update the EIS process; and (4) conducting educational and community outreach activities. In addition, the Office of Environmental Quality Control shall contract with the University of Hawaii Environmental Center to conduct a comprehensive review of the State's current EIS process.

- **Maryland, House Bill 412, introduced on January 26, 2006 by Delegate Nathaniel T. Oaks (D-District 41). Status: Hearing Scheduled for February 14, 2006. See also Maryland, Senate Bill 350, introduced on January 30, 2006 by Senator Lisa A. Gladden (D-District 41). Status: Hearing Scheduled for February 24, 2006.** The Bills, which were cross-filed, would establish a Task Force on Minority Participation in the Environmental Community ("Task Force"). The Bills would require the Task Force to evaluate and make recommendations regarding methods of improving: (1) minority participation in the environmental community, (2) communication to minority communities, and (3) the flow of information and services into minority communities.
- **Maryland, Senate Bill 655, introduced on February 3, 2006 by Senator Verna L. Jones (D-District 44). Status: Referred to Senate Committee on Finance. Hearing Scheduled for February 17, 2006.** The Bill would establish the Citizens' Advisory Council ("Council") for the Baltimore Corridor Transit Study - Red Line. The Bill would: (1) provide for the membership and staffing of the Council; (2) specify the membership term; (3) provide for the appointment of co-chairmen of the Council; (4) prohibit members of the Council from receiving compensation; (5) require the Council to meet and to issue an annual report; and (6) specify the purpose and mission of the Council. One of the purposes of the Bill is to "uphold the principles of environmental justice, which recognize the right of low income and minority communities to be protected from harm caused by transportation projects."
- **Minnesota, House Bill 2599, introduced on January 19, 2006 by Representative Joe Mullery (D-District 58A). Status: Referred to House Committee on Environment and Natural Resources Policy on January 19, 2006.** The Bill established the Environmental Justice Act. Included among the provisions are: (1) the policy that the state ensures communities fair treatment and meaningful involvement in decision-making regardless of race and income; (2) the creation of an

Environmental Justice Task Force (“Task Force”) to make recommendations regarding actions that must be taken to address environmental justice issues consistent with existing statutory and regulatory authority; and (3) the creation of a fifteen member Environmental Justice Advisory Council (“Advisory Council”). The Bill proposes that the Environmental Justice Act become effective on July 1, 2006, while the Task Force and Advisory Council be established and operating by October 1, 2006.

- **Mississippi, Senate Bill 2625, introduced on January 13, 2006 by Senator Deborah Jeanne Dawkins (D-District 48). Status: Referred to Senate Committee on Environmental Protection, Conservation, and Water Resources on January 13, 2006. Died in Committee on January 31, 2006.** The Bill, entitled “Mississippi Environmental Equity Act” (“Act”), would have created an environmental equity program that the Mississippi Department of Environmental Quality would administer to ensure that hazardous waste facilities are not disproportionately concentrated in minority or low-income communities. The Bill noted the “urgent need to collect, analyze and report regularly data on environmental quality and related public health measures by race, ethnicity, and socio-economic status, and to develop policies and programs that prevent and reduce the disproportionately greater exposures to potentially hazardous substances experienced by racial minority, ethnic minority, and low-income populations.” Among the more noteworthy provisions of the Bill included: (1) a clear delegation of duties to the Department of Environmental Quality to promulgate regulations, develop guidance, and provide training on environmental equity activities; (2) the creation of a fifteen member Environmental Equity Task Force; (3) the issuance of a moratorium on the “siting or permitting of any facility that proposes to manufacture, process, store, and/or release to the environment any potentially harmful substance in close geographical proximity to the disproportionately exposed minority or low-income community;” and (4) permitting provisions, including the mandate that no permit shall be issued that is in conflict with provisions of the Act.
- **New Jersey, Senate Resolution 17, introduced on January 10, 2006 by Senator Henry P. McNamara (R-District 40). Status: Introduced.** The Resolution urges Congress to enact the Clean School Bus Program to promote a healthier and cleaner environment. According to the Resolution, the vast majority of the 450,000 school buses in the United States are aging diesel vehicles that produce harmful emissions to children and the environment. These emissions have been linked to asthma and cancer. Accordingly, the Clean School Bus Program would authorize \$300 million over three years to clean up school buses and help reduce emissions of the pollutants that cause soot and smog.

- **New Mexico, House Bill 32, introduced on January 18, 2006 by Representative Patricia A. Lundstrom (D-District 9). *Status: Referred to House Committees on Energy and Natural Resources and Appropriations and Finance on January 18, 2006.*** The Bill would make an appropriation for implementing and administering a program that advocates and supports environmental justice in Northwest New Mexico. The appropriation of \$75,000 would go “from the general fund to the local government division of finance and administration for expenditure in fiscal year 2007 to implement and administer a demonstration program in San Jan, McKinley, and Cibola counties designed to help communities understand and reduce risks due to toxics from all sources.” In addition, the program should “encourage communities to form collaborative partnerships, develop a comprehensive understanding of all sources of risk from toxics, set priorities, and identify projects to reduce risks through collaborative action at the local level.”
- **New Mexico, Senate Joint Memorial Resolution 27, introduced on January 24, 2006 by Senator Linda M. Lopez (D-District 11). *Status: Referred to Senate Conservation Committee on February 3, 2006. See also New Mexico, House Joint Memorial 44, introduced on January 26, 2006 by Representative Harriet I. Ruiz (D-District 16). Status: Passed House and referred to Senate Rules Committee.*** The Joint Memorial Resolution (“Resolution”) affirmed the State of New Mexico’s commitment to healthy communities and public participation. In addition, the Resolution requests the Department of Health and Department of Environment to jointly review their functions, operations, and work, as well as the constitutional provisions, statutes, regulations, and programs that the Departments administer to determine, with particular emphasis on minority and low-income communities: (1) the extent to which each Department serves to promote healthy communities and meaningful public participation in environmental decisionmaking; (2) the changes that would be required for each Department to more effectively promote healthy communities and meaningful public participation; and (3) the changes that would be required in each Department for both to work cooperatively on issues of environmental degradation, public health, and public participation in environmental decisionmaking. In addition, the Resolution requests that both Departments report on their joint findings and work by no later than August 31, 2006.
- **New York, Assembly Bill 114, introduced on January 6, 2006 by Assemblyman Adam T. Bradley (D-District 89). *Status: Passed Assembly on January 30, 2006. Delivered to Senate and Referred to Committee on Environmental Conservation on January 30, 2006. See also New York, Senate Bill 2380, introduced on February 14, 2005 by Senator Thomas P. Morahan (R-District 38). Status: Amended and Recommitted into Committee on Environmental Conservation on***

February 6, 2006 as Print Number 2380A. The Bill amends the environmental conservation law, in relation to enacting the environmental access to justice act. Specifically, this Bill prevents individuals from being denied standing in private actions that allege violations of the environmental quality review provisions of the environmental conservation law solely on the basis that the injury alleged by the individual does not differ in kind from the injury that would be suffered by the public.

- **Ohio, House Bill 480, introduced on January 24, 2006 by Representative Kathleen Chandler (D-District 68). Status: Referred to House Committee on Rules and Reference on January 24, 2006.** The Bill would establish a Children's Environmental Health and Safety Advisory Committee, which would review existing statutes, administrative rules, regulations, and standards to determine whether they adequately protect the health of children from environmental and safety hazards. Included among the Committee's scope of review are whether current toxicity standards adequately protect children from acute health risks from water and air and whether children are adequately protected from such chemicals as mercury, lead, and arsenic. The Committee will have up to twenty members, including the Director of Environmental Protection.
- **State Regulatory Alerts.**
 - No noteworthy **State Regulatory Alerts** were identified for this time period.